

HUMAN SERVICES DEPARTMENT[441]**Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 108, the Department of Human Services hereby amends Chapter 52, “Payment,” and Chapter 54, “Facility Participation,” Iowa Administrative Code.

These amendments remove the requirement for an annual cost report for privately operated residential care facilities (RCFs) and change the cost reimbursement methodology to be based on the maximum per diem rate pursuant to subrule 52.1(3).

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3259C** on August 16, 2017. The Department received no comments during the public comment period. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on October 11, 2017.

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective October 11, 2017. These amendments confer a benefit on the public. All privately operated residential care facilities will be reimbursed at the maximum amount allowable.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 108.

These amendments became effective October 11, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 52.1(3) as follows:

52.1(3) Residential care. ~~Payment to~~ For periods of eligibility before July 1, 2017, the department will reimburse a recipient in either a privately operated or non-privately operated residential care facility ~~shall be made~~ on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of \$30.11. The department shall establish a cost-related per diem rate for each licensed residential care facility choosing this the cost-related reimbursement method of payment according to rule 441—54.3(249). For periods of eligibility beginning July 1, 2017, and thereafter, payment to a recipient in a privately operated licensed residential care facility shall be based on the maximum per diem rate of \$30.11, but reimbursement for recipients in non-privately operated residential care facilities will continue to be based on the flat per diem rate of \$17.86 or be based on the cost-related reimbursement system with a maximum per diem rate of \$30.11.

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. to *g.* No change.

ITEM 2. Amend rule 441—54.3(249), introductory paragraph, as follows:

441—54.3(249) Financial and statistical report Payment for residential care facilities. Payments for privately operated residential care facilities will be made at the maximum per diem rate in 441—subrule 52.1(3). ~~All~~ Non-privately operated facilities wishing to participate in the program shall submit a Financial and Statistical Report, Form 470-0030, to the department. The reports shall be based on the following rules.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/8/17.